



PATENTS
107044-0013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)	
Xiaoming Ren et al.)	
)	Examiner: Raymond Alejandro
Serial No.: 10/078,601)	
)	
Filed: February 19, 2002)	Art Unit: 1745
)	
For: SIMPLIFIED DIRECT OXIDATION)	
FUEL CELL SYSTEM)	
)	

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION UN-
DER 37 C.F.R. §1.321(b)**

I, Rita M. Rooney, represent that I am an attorney of record for this application

The Assignee of this application is MTI MicroFuel Cells Inc. (the "Assignee"), whose business address is 431 New Karner Road, Albany, NY 12205. The extent of the Assignee's interest is the whole of the invention.

On behalf of the Assignee, I hereby disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and § 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second United States Patent Application No. 10/870,570 (United States Patent Application Publication No. 2004/0265680), which is a divisional application of the instant patent application, and I hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that said patent is commonly owned with any patent granted on the aforementioned pending United States Patent Application No. 10/870,570, this agreement to run with any patent granted on the instant application and to be binding upon the grantee and its successors or assigns.

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This disclaimer applies to any terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term of United States Patent Application No. 10/870,570 as shortened only by any heretofore-entered terminal disclaimer, and not by any subsequent disclaimer, expiration for failure to pay a maintenance fee; finding of unenforceability or invalidity, cancellation by a re-examination certificate, or other earlier termination, except for the separation of legal title stated above.

July 27, 2005
Date

Rita M. Rooney
Rita M. Rooney